

JS 44 - CAND (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

**I. (a) PLAINTIFFS**

ALPHA & OMEGA SEMICONDUCTOR, LTD., a Bermuda corporation; and ALPHA & OMEGA SEMICONDUCTOR, INC., a California corporation

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

FAIRCHILD SEMICONDUCTOR CORPORATION, a Delaware corporation

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
See attachment

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

**C07 02638 PVT**

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 8	<input type="checkbox"/> 6

**IV. ORIGIN**

<input checked="" type="checkbox"/> Original Proceeding	<input type="checkbox"/> Removed from State Court	<input type="checkbox"/> Remanded from Appellate Court	<input type="checkbox"/> Reinstated or Reopened	<input type="checkbox"/> Transferred from Another district (specify) _____	<input type="checkbox"/> Multidistrict Litigation	<input type="checkbox"/> Appeal to District Judge from Magistrate Judgment
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**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 430 Commerce/ICC Rates/etc.
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 440 Deportation	<input type="checkbox"/> 450 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 460 Copyrights	<input type="checkbox"/> 470 Selective Service
<input type="checkbox"/> 161 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 645 Airline Regs.	<input checked="" type="checkbox"/> 480 Patent	<input type="checkbox"/> 480 Securities/Commodities/ Exchange
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 650 Occupational Safety/Health	<input type="checkbox"/> 490 Trademark	<input type="checkbox"/> 495 Customer Challenge 12 USC 3410
<input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 660 Other	<input type="checkbox"/> 500 HIA (1995)	<input type="checkbox"/> 500 Agricultural Acts
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 502 Black Lung (923)	<input type="checkbox"/> 502 Economic Stabilization Act
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 365 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 503 DOLC/DOLW (405(g))	<input type="checkbox"/> 503 Environmental Matters
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 370 Other Personal Injury	<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	<input type="checkbox"/> 504 SSID Title XVI	<input type="checkbox"/> 504 Energy Allocation Act
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 375 Truth in Lending	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 505 RSI (405(g))	<input type="checkbox"/> 505 Freedom of Information Act
	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 506 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 506 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 761 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 507 Constitutionality of State Statutes	<input type="checkbox"/> 507 Other Statutory Actions
			<input type="checkbox"/> 508 IRS - Third Party 26 USC 7606	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 615 Motion to Vacate Sentence Habeas Corpus:		
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 General		
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing	<input type="checkbox"/> 635 Death Penalty		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 Mandamus & Other		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Other Civil Rights	<input type="checkbox"/> 645 Civil Rights		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer w/ disab - Empl	<input type="checkbox"/> 655 Prison Condition		

**VI. CAUSE OF ACTION** (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) This is an action arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq., and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION DEMAND \$ 0.00  
UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:  
JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S) IF ANY** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT** (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)

SAN FRANCISCO/OAKLAND  SAN JOSE

DATE

5.19.07

SIGNATURE OF ATTORNEY OF RECORD

*Darwin Johnson*

*Alpha & Omega Semiconductor Ltd. v. Fairchild Semiconductor, Corp.*  
United States District Court  
Northern District of California

Civil Cover Sheet Attachment

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